

## REMARKS

### Status of the Claims

With the entry of this amendment, the status of the claims will be as follows:

Claims **1-45 and 47-61** are pending.

Claim **46** is cancelled.

Claims **40** and **45** are currently amended. Claims **1-39, 41-44 and 47-61** are unchanged.

These amendments are fully supported by the specification as originally filed. The amendments do not introduce new matter. These amendments are made without prejudice and are not to be construed as abandonment of previously claimed subject matter or acquiescence to any objection or rejection of record.

The amendment to the recited SEQ ID numerals in claim **40** is to correct a clerical error, where the claim should recite SEQ ID NOS: 20-35, not 20-25. Support for the amended version of claim 40 encompassing SEQ ID NOS: 20-35 is found throughout the specification. For example, see paragraphs **0011, 0049, 0052, 0112, 0246, 0249 and 0256**. Furthermore, this series of SEQ ID NOS is recited correctly in claims 42 and 47. Other amendments made to claim **40** are solely for the purpose of correcting punctuation.

The amendment to claim **45** is to correct a clerical error, where claim **45** should properly be dependent on the subject matter of claim **44**. Support for the amended version of claim **45** is found in the specification, for example, at paragraph **0051**.

Applicants respectfully request entry of the amendment prior to substantive examination of the claims.

### Response to the Request for Restriction

In the Office Action dated April 22, 2008, the Examiner requested restriction to one of 14 groups of claims. These groups are:

- |            |  |
|------------|--|
| Group I:   | Claims 1-8, 14, 18-20, 23-25, 60 and 61; |
| Group II:  | Claims 9-13;                             |
| Group III: | Claim 15;                                |
| Group IV:  | Claims 16 and 17;                        |
| Group V:   | Claims 21 and 22;                        |
| Group VI:  | Claims 26 and 27;                        |

Group VII:	Claims 28-30;
Group VIII:	Claims 31-35;
Group IX:	Claims 36-39;
Group X:	Claims 40 and 41;
Group XI:	Claims 42 and 43 (originally claims 42, 43 and 45);
Group XII:	Claims 44 and 45 (originally claims 44 and 46);
Group XIII:	Claims 47-51; and
Group XIV:	Claims 52-59.

Applicants note that the amended version of claim 45 should be properly placed in Group XII, and claim 46 is now cancelled.

The Examiner further required an election of species in the event that Groups I, XI, XII, XIII or XIV are selected for prosecution.

**Applicants hereby elect the claims of Group X (claims 40 and 41) for prosecution, with traverse.** Applicants have amended claim 40. Applicants note that Group X now includes the amended version of claim 40. In the Office Action, the Examiner did not make any request for election of species in the event that Group X is selected for Examination.

Traversal is made on the grounds that the Examiner erred in the analysis that led to the conclusion that the pending claims allegedly do not satisfy Unity of Invention. The present application is a United States national phase entry application under 35 U.S.C. § 371. As such, this application is subject to the requirement for Unity of Invention, as defined by the Patent Cooperation Treaty Rule 13. As stated in PCT Rule 13, a single invention adheres to the Unity of Invention requirement when the subject matter is linked by a single inventive concept constituting a special technical feature, where the special technical feature makes a contribution over the prior art. Further, under PCT Rule 13, a polypeptide and a polynucleotide that encodes that polypeptide are united by a common inventive concept, and unity between the two embodiments exists.

The Examiner states that all of the claims present in the application are linked by sharing the inventive concept of a [3+2] cycloaddition posttranslational protein modification, and further, that this feature is allegedly not a special technical feature in view of Wang *et al.* (2003), “Bioconjugation by Copper(I)-Catalyzed Azide-Alkyne [3+2] Cycloaddition,” *J. Am. Chem. Soc.*, 125:3192-3193. The Applicants respectfully disagree. As an initial matter, Applicants do

not concede that Wang *et al.* is prior art. Secondly, in any case, it appears that the Examiner has misread the claims, as [3+2] cycloaddition posttranslational modification is not relevant to all of the claims, in contrast to what is stated by the Examiner in the Office Action.

Regardless, unifying features other than [3+2] cycloaddition posttranslational modification can link a variety of the restricted claims. For example, the claims in Groups X, XI, and XIII (*i.e.*, collectively claims 40-43 and 47-51) recite the same novel aminoacyl-tRNA synthetase proteins or coding polynucleotides.

Applicants assert that a more appropriate revised claim grouping under the PCT Rule 13 standard should include a group that includes the claims of Groups X, XI, and XIII (claims 40-43 and 47-51). These claims share the common inventive concept of the same synthetase proteins and coding polynucleotides, and further, this inventive concept is a novel special technical feature. **In the event that the Office regroups these claims as noted above, Applicants hereby elect the revised group that includes claims 40-43 and 47-51 for prosecution.**

**Response to the Request for Election of Species**

In the Office Action, the Examiner required an election of species in the event that Groups XI or XIII are selected for prosecution, and a listing of claims readable on the elected species. **In the event that Groups X, XI and XIII are joined for prosecution, Applicants hereby elect a polypeptide of SEQ ID NO: 54 and a polynucleotide of SEQ ID NO: 26 for the purpose of election of species.**

The polypeptide species of SEQ ID NO: 54 is readable on claims 40-43 and 47-51. The polynucleotide of SEQ ID NO: 26 is readable on claims 40-43 and 47-51 (in their amended form).

If a telephone conference would expedite the prosecution of this application, Applicants encourage the Examiner to telephone the undersigned at (510) 769-3502.

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.  
P.O. BOX 458  
Alameda, CA 94501  
Tel: 510 337-7871  
Fax: 510 337-7877

Respectfully submitted,



Edward DesJardins, Ph.D.  
Reg. No: 51,162

Attachments:

- 1) A petition to extend the period of response for **two** months;
- 2) A transmittal sheet;
- 3) A fee transmittal sheet;
- 4) A receipt indication postcard.